

**AUTHORIZATION CRITERIA FOR STATE AND TRIBAL  
INSPECTORS**

**FINAL DRAFT FOR COMMENT**

**AUGUST 28, 2000**

# AUTHORIZATION CRITERIA FOR STATE AND TRIBAL INSPECTORS

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## I. APPLICABILITY

### **When do the Criteria apply?**

The *Authorization Criteria for State and Tribal Inspectors* (Criteria) apply whenever the United States Environmental Protection Agency (EPA) decides to authorize or duly designate (authorize) state, tribal, territorial, or local government inspectors (inspectors) to conduct inspections, surveys, or investigations (inspections) under federal environmental laws. The Criteria also apply to inter-tribal consortium or state or local government organizations who maintain an agreement with EPA and are authorized to act on behalf of federally-recognized Indian tribes (tribes), states, or local governments.

For the purposes of the Criteria, the term "states and tribes" refers to states and tribes and their political subdivisions, territories, local governments, inter-tribal consortia, and state or local government organizations. It also includes the territorial possessions of the federal government. Each entity must be eligible to receive federal authorization under the applicable federal environmental law.

### **What do the terms "authorize" or "authorization" mean?**

The terms "authorize," "authorization," or "duly designate" refer to the authority of the EPA Administrator to delegate the authority to conduct inspections under federal environmental laws. For the purposes of the Criteria, the terms "authorized," "authorization," and "duly designated" have the same meaning.

### **Who in EPA is responsible for authorizing inspectors and issuing federal credentials?**

The EPA Administrator delegates the statutory authority to authorize inspectors to the Regional Administrators, who may further delegate this authority. Each EPA Region is responsible for authorizing state and tribal inspectors and issuing, replacing, renewing, and revoking federal credentials issued to state and tribal inspectors.

### **When may EPA Regions authorize state and tribal employees to conduct inspections?**

The EPA Administrator also delegated the statutory authority to authorize inspectors to the Assistant Administrator for the Office of Enforcement and Compliance Assurance and the Assistant Administrators for the various EPA Headquarters Program Offices.

The EPA Regions may authorize and issue federal credentials when, in the judgement of the EPA Regional Administrator, it is appropriate for an employee of a state or tribe to conduct inspections on behalf of EPA. The EPA Regional Administrators

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**Is authorization a discretionary function of EPA?**

make this judgement based upon, among other things, compliance with the Criteria. Typically, EPA Regions authorize inspectors on a program-specific basis.

Authorization of inspectors and the issuance of federal credentials is a discretionary function of EPA. No federal laws or EPA programs require EPA to authorize state or tribal inspectors. Statutory authority must exist for EPA to authorize state and tribal inspectors.

**Why does EPA authorize state and tribal inspectors to conduct inspections on its behalf?**

EPA authorization of state and tribal inspectors to facilitate a partnership with states and tribes to protect human health and the environment by monitoring the regulated communities= compliance with federal environmental laws.

Where provided by federal laws it administers, EPA may authorize state and tribal inspectors to use federal credentials when states or tribes do not already have authority to carry out inspections under an EPA-approved state law or EPA-approved tribal law. In addition, EPA may authorize state and tribal inspectors to use federal credentials when specific requests for inspections are made by EPA.

**What can an authorized inspector do with a federal credential?**

An authorized inspector with a federal credential has the authority to act in an inspection capacity at facilities regulated by federal environmental law on behalf of EPA.

**What is a federal credential?**

A federal credential is a ~~Apocket warrant~~ authorized by the Administrator, Assistant Administrator, or Regional Administrator that identifies that the bearer has the authority to perform inspection functions. Such authority is based on applicable federal environmental laws. The credential evidences the proper delegation of EPA's authority and does not provide independently the authority to undertake inspections.

**Must EPA and states and tribes have a written agreement before federal credentials can be issued to state and tribal**

The EPA Regions and states and EPA Regions and tribes must have a written agreement covering authorization and the use of federal credentials before state or tribal employees can receive authorization to conduct federal inspections.

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employees?

**What type of written agreement is acceptable?**

The written agreement between a EPA Regional Office and a state or a EPA Regional Office and a tribe can be contained in a cooperative enforcement agreement, a memorandum of understanding, an EPA/tribal environmental agreement, or a similar agreement between an EPA Regional Office and a state or tribe. The Criteria can be incorporated by reference or otherwise appended to the written agreement.

## **II. COVERAGE**

**Who is covered by the Criteria?**

States and tribes whose inspectors may conduct inspections and investigations on behalf of EPA with a federal credential.

**Which inspectors are covered by the Criteria?**

The Criteria apply to full or part-time state and tribal lead inspectors who are currently authorized or may become authorized to conduct inspections and investigations on behalf of EPA with a federal credential. A lead inspector is someone who independently conducts a compliance inspection or directs an inspection with others as support staff.

The Criteria also apply to full or part-time state and tribal non-lead inspectors who are currently authorized or may become authorized to conduct inspections and investigations on behalf of EPA with a federal credential. Only the health and safety training, medical monitoring, and respiratory protection standards apply to full or part-time state and tribal non-lead inspectors.

**Who is not covered by the Criteria?**

The Criteria do not apply to EPA personnel who lead or oversee compliance inspections/field investigations on a full or part-time basis under any of EPA's laws. In addition, the Criteria do not apply to EPA's contract personnel performing compliance inspections/field investigations under EPA's laws, including employees of a grantee organization under the Senior Environmental Employment Program. These personnel are covered by the training standards found in EPA Order 3500.1, EPA Order 1440.1, EPA Order 1440.2, EPA Compliance Inspector/Field Investigator Training Requirements Guidance Document, and other EPA guidance documents. The Criteria do not create a higher standard for state or tribal inspectors.

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**Do the Criteria vary if an inspector is currently authorized?**

In many cases, the Criteria vary depending on whether an inspector is considered a **Acurrent@inspector** or a **Anew@inspector**. In addition, only the health and safety training, medical monitoring, and respiratory protection standards apply to full or part-time state and tribal non-lead inspectors.

**Who is a Acurrent@inspector?**

The term **Acurrent@inspector** means an inspector who is authorized by EPA to conduct inspections and is holding a federal credential issued by EPA at the time the Criteria are implemented. EPA plans to implement the Criteria one year after publication in the Federal Register.

**Who is a Anew@inspector?**

The term **Anew@inspector** mean an inspector who is not authorized by EPA to conduct inspections and investigations and is not holding a federal credential issued by EPA at the time the Criteria are implemented.

**Do the Criteria affect state and tribal authority to conduct inspections?**

The Criteria do not affect state and tribal authority to conduct inspections under applicable state or tribal laws. State and tribal inspectors may continue to conduct inspections under applicable state and tribal laws, including state and tribal laws that are based on a delegation, authorization, or primacy of a federal environmental laws.

### **III. USE OF AUTHORIZATION AND A FEDERAL CREDENTIAL**

**When should inspectors use federal authority?**

Inspectors should use federal authority, federal credentials, and federal procedures when conducting inspections for which a state or tribe does not have authority, but which is authorized by federal environmental law. In addition, inspectors can use federal authority, federal credentials, and federal procedures when conducting inspections at the request of EPA.

### **IV. TRAINING**

**Why is training important?**

It is the policy of EPA to ensure that everyone who conducts inspections on behalf of EPA is properly trained to perform these functions safely and in a legally and technically sound manner.

**How do the Criteria enable EPA to meet**

The Criteria set out training standards for EPA-authorized inspectors. The training standards are composed of three elements:

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<b>with its policy?</b>	(1) basic inspector training; (2) program-specific training; and (3) health and safety training. The training program reflects an adaptation of information contained in EPA Order 3500.1, EPA Order 1440.1, and EPA Order 1440.2; EPA Orders are not applicable to states and tribes. In addition, some inspectors may need to be covered by a medical monitoring or respiratory protection program.
<b>Do inspectors need specific training to obtain authorization and a federal credential?</b>	<p>The Criteria establish training standards based on the three elements that should result in inspectors taking training courses that cover certain subjects to obtain and retain authorization.</p> <p>Additional information on training standards can be found in Section V on page 8, Section VI on page 9, and Section VII on page 10.</p>
<b><u>V. BASIC INSPECTOR TRAINING</u></b>	
<b>What is the Basic Inspector Training Course?</b>	<p>EPA's Basic Inspector Training (BIT) Course provides inspectors with required information on EPA policies and procedures for conducting federal inspections under any environmental program.</p> <p>The BIT Course integrates legal, technical, and administrative subjects with communicative skills. The BIT Course does meet the requirements of EPA Order 3500.1, aside from program-specific and health and safety training.</p>
<b>Should new inspectors take the EPA-sponsored BIT Course?</b>	New inspectors should take an EPA-sponsored BIT Course to obtain authorization and a federal credential.
<b>When should new inspectors take the EPA-sponsored BIT Course?</b>	New inspectors should have taken the BIT Course within three years prior to seeking authorization.
<b>Should current inspectors take the BIT Course?</b>	Current inspectors do not need to have completed the BIT Course offered by EPA to retain authorization when the Criteria take effect. Current inspectors are encouraged to take the BIT Course if they have not already done so.

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<b>How long does the BIT Course take?</b>	The BIT Course, offered in a classroom setting, takes three and one half days to complete. The course is currently composed of seventeen modules.
<b>When is the BIT Course available from EPA?</b>	The BIT Course is offered each year at selected EPA Regional offices and EPA's National Enforcement Training Institute (NETI) training centers in Washington D.C., and Denver, CO. EPA occasionally offers the BIT Course at other locations.
<b>Will the BIT Course be available on CD-ROM?</b>	EPA is currently developing a self-paced computer-based training BIT Course. The course will be administered via CD-ROM and would be taken at the inspectors' convenience. The course will be available in September, 2000. Contact Ellen Epstein at 202-564-6042 or epstein.ellen@epa.gov.
<b>Will the BIT Course on CD-ROM replace the BIT Course in the classroom?</b>	An inspector could take the BIT Course either in the classroom or via CD-ROM.

### **VI. PROGRAM-SPECIFIC TRAINING**

<b>What is program-specific training?</b>	Program-specific training provides information on legal, programmatic, and technical subjects associated with conducting federal inspections under a particular environmental laws and program.
<b>Why is program-specific training needed?</b>	Appendix A contains information on the training standards for each media program.
<b>Who establishes EPA's program-specific training?</b>	Program-specific specialized training is needed to further develop inspection skills as they relate to a particular environmental laws and program.  Each EPA media program establishes its own training standards. EPA Headquarters program offices work with EPA Regions to establish and revise the training standards.
<b>What program-specific inspector training standards</b>	New inspectors should meet the training standards established for the EPA program(s) under which authorization is sought. At a minimum, the training standards consist of 24 hours of program-

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**do new inspectors need?**

specific curricula. In addition, inspectors should complete a minimum of 2 (8 hour) days of on-the-job training or 2 inspections (whichever is longer) for each major media program. New inspectors seeking authorization in more than one program should complete the relevant program-specific standards in each of program.

**When should a new inspector take program-specific inspector training?**

New inspectors should complete program-specific training prior to obtaining authorization. New inspectors who completed program-specific training within the last three (3) years and have completed the appropriate refresher standards may obtain authorization without re-taking the courses.

**Can the standard for program-specific training be combined with the standard for health and safety training?**

The program-specific training standards for on-the-job training or practical compliance inspections/field investigations can be combined with the health and safety standards to accompany an experienced inspector in the performance of actual field tasks.

In many cases, EPA program-specific training establish timing standards. These timing standards mean that inspectors should complete course work or learn information in a particular order or within a specified number of months on the job. New inspectors do not need to meet EPA program-specific timing standard associated with taking training either in a particular order or within a specified number of months on the job.

**What program-specific training do current inspectors need?**

Current inspectors should not have to re-take program-specific training if they completed appropriate refresher courses. Current inspector should have received training in each program for which authorization is maintained.

**When must current inspectors meet the program-specific training?**

Current inspectors who have not taken appropriate refresher courses within three years should re-take the program-specific training for each program in which authorization is maintained.

In many cases, EPA program-specific training establish timing standards. These timing standards mean that inspectors should complete course work or learn information in a particular order or within a specified number of months on the job. Current inspectors do not need to meet EPA program-specific timing standards associated with taking training within either in a particular order or a specified number of months on the job.

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**Will the program-specific courses be available on CD-ROM?**

Many program-specific inspector courses are currently available on CD-ROM. See, the *List of EPA's Inspector Computer-Based Training* at Background Material 9.

## **VII. HEALTH AND SAFETY TRAINING**

**Why do inspectors need health and safety training?**

Health and safety training is designed to develop, improve, and upgrade the health and safety knowledge of inspectors involved in field activities on behalf of EPA.

**What are the objectives of EPA's health and safety training courses?**

There are four objectives of EPA's health and safety training courses: (1) to assure that inspectors are aware of potential hazards they may encounter during the performance of field activities; (2) to provide the knowledge and skills necessary to perform the work with the least possible risk to personal health and safety; (3) to assure that EPA program goals are accomplished in a safe and healthful manner as feasible; and (4) to assure that inspectors can safely disengage themselves from an actual hazardous situation which may occur during a field activity.

**What type of health and safety training should new inspectors have?**

The type of health and safety training new inspectors should have depends upon the degree of anticipated hazards when they conduct inspections. There are three levels of health and safety training: (1) basic; (2) intermediate; and (3) advanced.

At a minimum, each new inspector should complete the basic level health and safety training. Each new inspector should also complete the intermediate and advanced level health and safety training if they meet the standards described below.

Appendix B contains the specific standards for EPA's health and safety training program. These standards are drawn from EPA Order 3500.1, EPA Order 1440.2, EPA Order 1460.1.

**When should a new inspector complete the appropriate level of health and safety training?**

New inspectors should complete the appropriate and applicable level of health and safety training before seeking authorization from EPA. New inspectors who completed the training more than one year prior to that time and completed annual refresher courses do not need to re-take the training.

**What type of health**

Current inspectors should complete the appropriate and applicable

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**and safety training should current inspectors have?**

health and safety training level before seeking reauthorization of an existing credential or a new authorization under a different media program. Current inspectors who completed the training more previously and completed annual refresher courses do not need to re-take the training.

If a current inspector never completed the training or did not complete annual refresher training, then s/he should complete the training before conducting another inspection under federal authority.

**What is the basic level health and safety training?**

EPA's basic level health and safety training provides an introduction to the basic health and safety issues associated with conducting field activities and making correct health and safety decisions in the field. The course should, at a minimum, examine the principles that apply to effective safety, health and environmental management and identify methods to recognize, evaluate, and address the hazards associated with field activities.

The basic level health and safety training consists of a minimum of 24 hours of health and safety training in the classroom prior to becoming involved in normal, routine field activities. In addition, there should be a minimum of three days of accompanying another experienced inspector and performance of actual field tasks.

**What is the intermediate level health and safety training and when should it be taken?**

Inspectors should take the intermediate level health and safety training if they work with experienced inspectors in uncontrolled hazardous waste and hazardous spill sites investigations or engage in other activities that present unique hazards requiring additional training.

The intermediate level health and safety course consists of a minimum of 8 hours of additional health and safety training in the classroom. In addition, there should be a minimum of three days of accompanying another experienced inspector and performance of actual field tasks.

**What is the advanced level health and safety training and when should it be taken?**

Inspectors should take the advanced level health and safety if they manage uncontrolled hazardous waste sites and spill sites monitoring, sampling, investigations, and cleanup operations.

The advanced level health and safety course consists of a minimum

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of eight (8) hours of additional health and safety training in the classroom. In addition, there should be a minimum of three days of accompanying another experienced inspector and performance of actual field tasks.

**Can the standard for practical health and safety training be combined with the standard for practical program-specific training?**

The health and safety standard to accompany an experienced inspector and perform actual field tasks can be combined with the program-specific standard for on-the-job training or practical compliance inspections.

**What health and safety training is available from EPA?**

EPA offers two self-paced computer-based training health and safety training courses. The courses are administered via CD-ROM and may be taken at the inspectors' convenience.

The "Training for Field Activities Basic 24-Hour Course" satisfies the basic level health and safety training standard. This course may also be taken to satisfy the basic refresher level health and safety training standard of 8 hours.

**How does EPA distribute the health and safety CD-ROM?**

States and tribes who need the health and safety CD-ROM should contact Dr. Gerald W. Oakley at 202-564-2082 or oakley.jerry@epa.gov. To receive a copy send a blank CD-ROM disk (650 MB, 74 Minute, Gold) to Dr. Gerald W. Oakley, U.S. EPA, Mail Code 3207A Room 5521-B, Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20004.

**Is EPA's health and safety training the equivalent of inspector training offered by the Occupational Safety and Health Agency?**

EPA's health and safety training is the equivalent of inspector training offered by the Occupational Safety and Health Agency (OSHA).

**VIII. OCCUPATIONAL MEDICAL SURVEILLANCE  
PERSONAL PROTECTIVE EQUIPMENT PROGRAMS**

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**What are the objectives of the EPA occupation medical surveillance program?**

There are two objectives of EPA's occupation medical surveillance (medical monitoring) program: (1) to detect any adverse effects of occupational exposure on the inspector's health and to initiate prompt corrective actions when indicated; and (2) to assure that EPA employees assigned arduous or physically taxing jobs or jobs requiring unique skills are able to perform those jobs without impairing their health and safety or the health and safety of others.

**What are the objectives of EPA's personal protective equipment program?**

The objective of EPA's personal protective equipment (respiratory protection) program is to assure personnel engaged in field or laboratory work of a hazardous or toxic nature additional levels of protection by providing and requiring the use of specified personal protective equipment and protective clothing. This includes adequate protection from harmful elements of severe weather conditions.

**Who is responsible for establishing medical monitoring and respiratory protection programs?**

States and tribes are responsible for establishing and implementing medical monitoring and respiratory protection programs for their inspectors where appropriate or required by law. These programs should be consistent with the applicable and appropriate federal, state, and tribal laws, regulations, and policies.

States and tribes can consult with EPA about the applicability of the medical monitoring and respiratory protection standard to inspectors.

**Is EPA responsible for establishing medical monitoring and respiratory protection programs for states and tribes?**

EPA is not responsible for establishing either medical monitoring or respiratory protection programs for states and tribes. EPA can, however, work with states and tribes to establish these programs.

**When are new and current inspectors subject to occupational medical monitoring and personal protective equipment**

New and current inspectors need medical monitoring and respiratory protection when their position or job description or regularly assigned tasks and duties, when acting as a federally authorized inspector: (1) present a routine or periodic exposure to hazardous chemical, radiological, biological or physical agents; or (2) requires the use of respiratory protection; or (3) involves physically demanding work, such as routine heavy lifting and carrying; or (4) involves emergency response activities; or (5)

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**programs?** involves an activity or known exposure which is currently regulated by OSHA and the applicable regulation mandates medical surveillance.

**What does Aregularly assigned tasks and duties@ mean?** ARegularly assigned tasks and duties@ means task and duties that are part of an inspector's customary, usual, or normal responsibilities as a federally authorized inspector.

**What does Aroutine or periodic@ mean?** For purposes of determining whether medical monitoring and a respiratory protection program may be necessary for an inspector acting under federal authority, Aroutine or periodic@ exposure means that the inspector can be expected to encounter hazardous chemical, radiological, biological, or physical agents at a level of frequency that makes the possibility of exposure B and, therefore, the need for monitoring and protection B probable.

**When are authorized state and tribal inspectors prohibited from conducting federal inspections with a federal credential?** Authorized state and tribal inspectors should not conduct inspections if they do not participate in a medical monitoring and respiratory protection program and their position or job description or regularly assigned tasks and duties, when acting as a federally authorized inspector: (1) present a routine or periodic exposure to hazardous chemical, radiological, biological or physical agents; or (2) requires the use of respiratory protection; or (3) involves physically demanding work, such as routine heavy lifting and carrying; or (4) involves emergency response activities; or (5) involves an activity or known exposure which is currently regulated by OSHA and the applicable regulation mandates medical surveillance.

**Who decides whether an authorized inspector should participate in a medical monitoring or respiratory protection program?** The state or tribal supervisor, manager, or other appropriate person(s) designated by the state or tribe responsible for an inspector must decide whether an inspector's position or job description or regularly assigned tasks and duties when acting as federally authorized inspector requires participation in a medical monitoring or respiratory protection program.

## **IX. REFRESHER TRAINING**

**What are the** Refresher training enables inspectors to keep up-to-date on the latest EPA policies, inspection techniques, and program-specific

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### **benefits of refresher training?**

standards. In addition, refresher training can help inspectors become more proficient in a specific media program or become proficient in multi-media work.

Refresher training should be taken in three areas: (1) program-specific; (2) health and safety; and (3) medical monitoring and respiratory protection.

### **What are the standards for program-specific refresher training?**

Program-specific refresher training should be taken every three years for all authorized inspectors regardless of when authorization occurred. Refresher training can include, but is not limited to, classroom training, on-the-job training, self-study, and (re)certification programs.

### **Who is responsible for deciding what type of program-specific refresher training should be taken?**

The state or tribal supervisor, manager, or other appropriate person(s) designated by the state or tribe responsible for the inspector is responsible for identifying appropriate program-specific curricula. The supervisor or manager is responsible for consulting with EPA to determine the need and identify appropriate course content.

### **What are the standards for health and safety refresher training?**

Inspectors should complete a minimum 8-hours of health and safety refresher training course annually. The 8-hour refresher course should consist of an annual review of all subject areas necessary to maintain the inspector's authorization. EPA's health and safety CD-ROM can be used to meet the refresher training standard.

### **What are the standards for medical monitoring and respiratory protection refresher programs?**

Inspectors should complete a minimum of 2-4 hours of refresher training annually if they wear a respirator while engaged in field activities. Inspectors who visit or work at hazardous waste sites or are involved with emergency response to hazardous materials spills should also complete separate refresher training courses on hazardous waste incident response operations. In addition to classroom instruction, inspectors should have demonstrated, by having performed actual field tasks, that they have sufficient practical experience to perform their assigned duties in a safe and healthful manner.

### **Where is information available on refresher training**

Appendices A and B contain information on the program-specific and health and safety training refresher standards. See, the *List of EPA's Inspector Computer-Based Training* at Background Material 9. Information is also available at [www.epa.gov/oeca/neti](http://www.epa.gov/oeca/neti) or by calling 1-800-EPA-NETI.

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standards?

## **X. TRAINING COURSES, STATE AND TRIBAL SELF-CERTIFICATION, AND EPA REVIEW**

**Whose courses can inspectors take to learn the basic inspector training subjects?**

Inspectors should complete the BIT Course offered by EPA Headquarters, including NETI, or any EPA Regional Office. Inspectors may attend any EPA BIT Course, including those offered outside of their own EPA Region. Of course, inspectors may complete the BIT Course CD-ROM when it becomes available in September, 2000.

**Whose courses can inspectors take to learn the program-specific subjects?**

Inspectors may complete program-specific courses offered by EPA and/or states, tribes, territories, local governments, inter-tribal consortia, or non-governmental organizations.

**Whose courses can inspectors take to learn the health and safety subjects?**

Inspectors may complete health and safety courses offered by EPA and/or states, tribes, territories, local governments, inter-tribal consortia, or non-governmental organizations.

**Where is information on EPA's Computer-Based Inspector Training Courses?**

See, the *List of EPA's Inspector Computer-Based Training* at Background Material 9. Information is also available at [www.epa.gov/oeca/neti](http://www.epa.gov/oeca/neti) or by calling 1-800-EPA-NETI.

**Who can review non-EPA training courses?**

States and tribes can review non-EPA training courses and approve them as covering the program-specific or health and safety subjects. Of course, EPA can also review non-EPA training courses and approve them as covering the program-specific or health and safety subjects. The first option is known as **self-certification** while the second option is known as **case-by-case review**.

**How do states and tribes self-certify non-EPA courses?**

States and tribes can review non-EPA courses against the program-specific or health and safety standards. States and tribes can **certify** individual non-EPA courses as covering the appropriate program-specific or health and safety standards.

**How do states or tribes document self-**

A state or tribe should submit report the use of self-certification to the EPA Regional Office a request for authorization or reauthorization. See, Section XI on page 18 and Section XV on

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**certification of a non-EPA course?**

page 22.

**Should EPA conduct periodic reviews of state and tribal self-certification decisions?**

EPA Regions should conduct periodic reviews of state and tribal self-certifications. EPA could require changes to a state or tribal self-certification approach if a periodic review indicates that the inspectors are not meeting the appropriate training standards.

**What should a state or tribe send to EPA for a case-by-case review of a non-EPA course?**

A state or tribe should provide the EPA Regional Office with a course outline or similar material providing information on the information covered by the non-EPA course. This information can be attached to a authorization or reauthorization request.

**How should EPA make case-by-case decisions on non-EPA courses?**

EPA Regions should review the submitted material and determine whether the non-EPA course, when successfully completed, cover the appropriate program-specific or health and safety standards. EPA Regions can contact EPA Headquarters to determine whether another EPA Region approved a particular course.

**Can EPA decide to adopt either case-by-case review or self-certification as the standard approach on a Region-wide basis?**

EPA Regions can decide to adopt either self-certification or case-by-case review as the standard approach on a Region-wide basis. EPA Regions should consult with the affected states and tribes prior to making a decision to adopt a Region-wide approach.

**How will inspectors know whether non-EPA courses meet the appropriate training standard?**

Inspectors should speak with their EPA Regional point of contact or state or tribal point of contact to find out who is responsible for reviewing and approving non-EPA courses.

If a state or tribe self-certifies non-EPA courses, inspectors should contact their state or tribal point of contact and request that s/he review the non-EPA course and follow the self-certification approach.

If a EPA Regional Office approves non-EPA courses on a case-by-case basis, inspectors should contact their state or tribal point of contact and request that s/he follow the case-by-case approach.

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**Will the EPA Regions maintain a list of approved non-EPA program-specific and health and safety courses?**

Each EPA Region should maintain a list of approved (certified) non-EPA program-specific and health and safety courses. Providing information on the range of approved courses can help states and tribes and their inspectors choose the most appropriate way to meet the training standards.

**How can states and tribes get information on EPA-sponsored inspector training courses?**

EPA plans to compile and distribute a quarterly update on the dates and locations of EPA-sponsored inspector training courses. EPA plans to distribute this information via the world wide web and by mail.

**How can states and tribes request authorization for inspectors?**

## **XI. REQUESTING AUTHORIZATION FOR INSPECTORS**

States and tribes nominate inspectors by providing EPA with a written request for authorization. The request should go to the appropriate EPA Regional point of contact.

Appendix C contains a sample Authorization Request letter.

**What information do states and tribes provide in the a request?**

The request should provide the following: (1) the inspector's name; (2) the media-program(s) under which authorization is sought; (3) either proof of self-certification or a request for EPA's approval of training courses; (4) written confirmation of a tribe(s) or state(s) grant of inspection authority to a inter-tribal consortium or state or local government organization; (5) the name, sponsor, type, and date of training course(s) taken to meet the training standards (basic inspector, program-specific, and health and safety); and (6) two photographs of the inspector for placement on the credential and in EPA's files.

States and tribes can use the *Inspector Training Course Information Form* to provide information to EPA. See, Appendix E.

**What is a grant of inspection authority to a inter-tribal**

A grant of inspection authority is the agreement that exists between a inter-tribal consortium and tribes or a state or local government organization and a state or local government granting the inter-tribal consortium and tribes or a state or local government organization the authority to conduct inspections.

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**consortium or state  
or local  
organization?**

EPA should follow the Authorization Process after receiving a nomination request from a state or tribe. See, Section XII on page 19.

**What happens after  
EPA receives a  
request?**

## **XII. THE AUTHORIZATION PROCESS - EPA'S RESPONSE TO AUTHORIZATION AND REAUTHORIZATION REQUESTS**

**What is the  
Authorization  
Process?**

EPA Regions should use the Authorization Process to review and make decisions on state and tribal authorization and reauthorization requests. Authorization requests are for new inspectors and reauthorization requests are for current inspectors. See, Section XV on page 22.

**How does EPA  
decide whether to  
approve or deny a  
authorize or  
reauthorization  
request**

Authorization and reauthorization depends on an authorized inspector's completion of the appropriate and applicable training standards. EPA should make authorization and reauthorization decisions after receiving a written request.

**When can EPA  
reauthorize an  
inspector and renew  
a federal credential?**

EPA can renew authorization before or after it expires or after revocation of an inspector's current authorization and federal credential. EPA should, when appropriate, reauthorize an inspector and renew a federal credential at the request of a state or tribe. See, Section XV on page 22.

**How long should the  
Authorization  
Process take?**

If authorization and a federal credential is about to expire, EPA should make every effort to reauthorize inspectors prior to the expiration date.

The EPA Regional Administrator (or his/her designee) should decide whether to authorize a nominated inspector and issue a federal credential or refuse to authorize a nominated inspector within sixty days after the appropriate Regional point of contact receives a complete written request from a state or tribe.

EPA may extend the nomination review period beyond sixty days if an alternative time frame is discussed and agreed upon with the appropriate state or tribal point of contact.

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**What should EPA send to a state or tribe if a request is approved?**

EPA should send the appropriate state or tribal point of contact a letter confirming approval and a *Inspector Authorization Statement* (Authorization Statement). EPA should request the Authorization Statement be returned with the signature of the state or tribal official and the approved inspector.

EPA should use Authorization Statements when reauthorizing inspectors and in place of existing credential acknowledgment statements or similar documents.

An Authorization Statement is attached in Appendix F.

**What should EPA send a state or tribe if a request is denied?**

EPA should send the appropriate state or tribal point of contact a written explanation of the reason(s) for refusing to authorize or reauthorize an inspector. EPA should send a copy of the explanation to the nominated inspector.

**What information is contained in the Authorization Statement?**

The Authorization Statement contains the following information: (1) the name of the inspector; (2) an EPA inspector credential identification number; (3) an expiration date of the federal credential; (4) the applicable federal environmental law(s) for which authorization is granted; and, if applicable, (5) the names of the individual tribes or states that grant inspection authority to the inter-tribal consortium or state or local government organization.

**Who signs an Authorization Statement?**

The following individuals sign each Authorization Statement: (1) an appropriate state or tribal official; (2) the inspector; and (3) the EPA Regional Administrator (or his/her designee).

**When does an inspector's authorization take effect?**

For the purposes of the Criteria, an appropriate state or tribal official means the person(s) designated by an affected state or tribe to conduct activities related to the Criteria.

An inspector's authorization takes effect after the EPA Regional Administrator (or his/her designee) signs an Authorization Statement and the inspector receives his/her federal credential.

EPA should send this material to the appropriate state or tribal point of contact. The state or tribal point of contact is responsible for giving the federal credential to the authorized inspector.

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<b>Should EPA be notified when a Authorization Statement and federal credential is received?</b>	<p>The appropriate state or tribal point of contact should notify the appropriate EPA point of contact when they receive a signed (copy) Authorization Statement and federal credential.</p>
<b>Can EPA issue media-specific federal credentials?</b>	<p><b><u>XIII. MEDIA-SPECIFIC AND MULTI-MEDIA AUTHORIZATION AND FEDERAL CREDENTIALS</u></b></p> <p>EPA typically authorizes inspectors on a media-specific basis when they complete the training for one media program. Issuance of a media-specific federal credentials identifies the inspectors as having the authority to act in a federal inspection. Authorization and issuance of media-specific federal credentials is possible only when provided for under the applicable federal environmental law and consistent with EPA's implementation of the program.</p>
<b>Can EPA issue multi-media federal credentials?</b>	<p>EPA can authorize inspectors on a multi-media basis if they complete the training for multiple media program. Issuance of a multi-media federal credentials identifies the inspectors as having the authority to act as a federal inspector under the identified media programs. Authorization and issuance of multi-media federal credentials is possible only when provided for under the applicable federal environmental laws and consistent with EPA's implementation of the program.</p>
<b>What training is required to obtain a multi-media federal credential?</b>	<p>Inspectors must complete the appropriate media-specific, health and safety, and refresher training program for each media program.</p> <p><b><u>XIV. EXPIRATION OF AUTHORIZATION AND FEDERAL CREDENTIALS</u></b></p>
<b>When should a new inspector's authorization and federal credential expire?</b>	<p>A new inspector's authorization and federal credential expire three years after the date of authorization. Authorization and federal credentials expire on the same date.</p> <p>Current inspector's authorization and federal credential expire either: (1) three years after the date of authorization or issuance if a</p>

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**When should a current inspector's authorization and federal credentials expire?**

credential contains an expiration date; or (2) three years after the date the Criteria are finalized if a credential does not contain an expiration date. Authorization and federal credentials expire on the same date.

**When should federal credentials issued for renewal or replacement purposes expire?**

Renewed and replaced federal credentials expire on the expiration date of the original federal credential. Authorization and federal credentials expire on the same date.

**How can states and tribes request reauthorization and renewal of a federal credential?**

## **XV. REAUTHORIZATION REQUESTS**

States and tribes are responsible for providing EPA with a written request to reauthorize and renew a federal credential. The request should go to the appropriate EPA Regional point of contact. EPA should follow the Authorization Process. See, Section XII on page 19.

**What information should states and tribes provide in a reauthorization request?**

The request should provide the appropriate EPA Regional point of contact with the following: (1) the inspector's name; (2) the media-program under which reauthorization is sought; (3) either application of self-certification or a request for EPA's approval of training courses; (4) written confirmation of a tribe(s) or state(s) grant of inspection authority to an inter-tribal consortium or a state or local organization; (6) the name, sponsor, type, and date of training course(s) taken to meet the training standards (program-specific and health and safety); and (7) two photographs of the inspector for placement on the credential and in EPA's files. This is the same type of information submitted when states and tribes nominate an inspector for authorization.

States and tribes can use the *sample Inspector Training Course Form* to provide information to EPA. See, Appendix E.

**Who signs a reauthorization request?**

The appropriate state or tribal point of contact signs a reauthorization request.

**What should EPA**

EPA should follow the Authorization Process after receiving a reauthorization request from a state or tribe. See, Section XII on page 19.

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**do after receiving a reauthorization request?**

### **XVI. REPLACEMENT OF A FEDERAL CREDENTIAL**

**When can EPA replace a lost or stolen federal credential?**

EPA should, when appropriate, replace an inspector's federal credential at the request of a state or tribe. Replacement is a discretionary function of EPA.

**How can states and tribes obtain a replacement credential?**

States and tribes can obtain a replacement credential for an authorized inspector after providing EPA with a written request.

**What should states and tribes provide in a written replacement request?**

States and tribes should provide: (1) the inspector's name; (2) an explanation of why replacement is appropriate (i.e. credential lost or stolen); and (2) a copy of the inspector's Authorization Statement. If EPA has not issued an Authorization Statement, states and tribes should provide the following: (1) the inspector's name; (2) an explanation of why replacement is appropriate (i.e. credential lost or stolen); (3) the media-program; (4) the (original) EPA inspector credential identification number (if available), and (5) the (original) credential expiration date (if available).

**Who signs the written replacement request?**

The appropriate state or tribal point of contact signs the replacement request.

**How should EPA notify a state or tribe if an inspector's federal credential is replaced?**

The state or tribe should send a replacement requests to the appropriate EPA Regional point of contact.

**What should EPA do if an inspectors credential is not replaced?**

EPA should send the appropriate state or tribal point of contact a letter confirming replacement and a new Authorization Statement. EPA should request that the new Authorization Statement be returned with the signature of the state or tribal official and the approved inspector.

EPA should send the appropriate state or tribal point of contact a written explanation of the reason(s) for refusing to replace and

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reauthorize an inspector. EPA should send a copy of the explanation to the inspector.

### **XVII. TRACKING AUTHORIZATION AND FEDERAL CREDENTIALS**

**Should EPA Regions track each authorization and federal credential?<sup>1</sup>**

EPA Regions should track the following information on each inspector: (1) written nomination requests; (2) Authorization Statements; (3) federal credential number and expiration date; (4) renewals or replacement of a federal credentials; (5) suspensions or revocations of authorization and a federal credential; (6) cancellations of a federal credential (due to loss, theft, change in duties, retirement, etc.); and (7) security clearances (if appropriate). *See, A*Processing Inspection Credentials for Contractors and Grantees,*@*Memorandum from Steven A. Herman to Regional Administrators, et. al. (December 31, 1996).

EPA is responsible for tracking expiration dates. States and tribes also need to keep track of the expiration dates.

**Who is responsible for tracking expiration dates?**

EPA should send the appropriate state or tribal point of contact an expiration reminder notice at least ninety days before an inspector's credential will expire.

**Should EPA notify states and tribes before authorization and a federal credential expires?**

States and tribes should send a reauthorization request to EPA at least sixty days before an inspector's authorization and federal credential expires.

**What should states and tribes do before a credential expire?**

### **XVIII. MISUSE AND REVOCATION OF AUTHORIZATION**

**What is misuse of authorization or a federal credential?**

Misuse of authorization or a federal credential can occur when an inspector acts contrary to the Criteria or EPA policies on conducting federal inspections. Misuse can include the following: (1) misrepresenting any qualifications used to obtain authorization and a federal credential; (2) using federal authorization and a federal credential without proper authority; and (3) conducting inspections without proper knowledge, skills, or abilities.

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**What should a state or tribe do if it knows or suspects misuse of authorization?**

States and tribes should immediately inform the EPA point of contact of known or suspected misuse of authorization and discuss the matter. EPA needs information on both suspected and known misuse because inspectors retain the authority to act on behalf of EPA unless and until authorization is revoked.

**What can happen if authorization is misused?**

EPA can revoke an inspector's authorization and federal credential if misuse occurs. States and tribes should discuss with EPA whether suspension or revocation of federal authorization and a federal credential is the appropriate remedy if misuse has occurred.

**What will happen if EPA suspends or revokes authorization?**

EPA should give the affected state or tribe a written explanation of the reason(s) for suspending or revoking an inspector's authorization and federal credential at the time of the revocation. EPA should send a copy of the explanation to the affected inspector.

**Who is responsible for disciplining a state or tribal inspector for misuse?**

While EPA retains the authority to suspend or revoke authorization, states and tribes are responsible for disciplining their inspectors when misuse occurs.

**Can an inspector seek authorization and after revocation?**

A state or tribe could re-nominate an inspector for authorization and a federal credential after revocation occurs. A state or tribe must provide a written explanation of why reauthorization should occur.

### **XIX. RETURN OF FEDERAL CREDENTIALS TO EPA**

**When should federal credentials be returned to EPA?**

A state or tribe should return a federal credential to EPA if: (1) an authorized inspector is reassigned, transferred, or is otherwise no longer employed as an inspector; (2) the federal credential expires; (3) the federal credential is no longer required; (4) authorization is suspended; or (5) authorization is revoked.

**Who is responsible for returning federal credentials to EPA?**

The appropriate state or tribal point of contact is responsible for sending back each federal credential to the appropriate Regional point of contact. Federal credentials should be sent back to EPA within fifteen working days of the date return is appropriate.

EPA Regions can take appropriate action against a state or tribal program that fails to return a federal credential to EPA.

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**What can EPA do if a federal credential is not returned?**

## **XX. POINT OF CONTACT**

A point of contact is responsible for implementing and monitoring the Criteria for his/her EPA Region, state or tribe.

**What does a point of contact do?**

The EPA point of contact is also responsible for addressing, in consultation with the appropriate EPA Regional and Headquarters personnel, situations where the Criteria may not be appropriate to a particular situation.

**How many points of contact should be in each EPA Region?**

Each EPA Region should establish at least one point of contact and one alternate point of contact. When appropriate, each EPA Region should substitute the Regional point of contact with program-specific points of contact. A program-specific point of contact can facilitate the flow of information related to the authorization and reauthorization of inspectors. In many cases, the EPA Regions should make each project officer a point of contact for the cooperative enforcement agreement or other agreement for which they are responsible. In addition to media-specific points of contact, EPA Regions can also establish Region-wide point of contacts.

**How should EPA provide the names of the Regional points of contact?**

Each EPA Region should provide affected states and tribes and their inspectors with the name(s) of the Regional point(s) of contact.

**How many points of contact can be in each affected state or tribe?**

Each affected state or tribe should have at least one point of contact. States and tribes should consider the need for an alternate point of contact and program-specific points of contacts.

Program-specific points of contact are particularly important when responsibilities are divided between agriculture and environmental agencies and within agencies along media-specific lines.

To facilitate communication, each affected state and tribe should provide EPA with the name(s) of their points of contact.

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